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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
WASHINGTON, D. C.

ORDER SERIES—ORDER NO. 10

(Issued by the Secretary of Agriculture August 4, 1936)  
(Effective 12:01 a. m. E. S. T. August 9, 1936)

**ORDER REGULATING THE HANDLING OF FRESH PEAS  
AND CAULIFLOWER GROWN IN THE COUNTIES OF  
ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, CUSTER  
AND EAGLE, IN THE STATE OF COLORADO.**

*Whereas*, it is provided in Section 8c of the Agricultural Adjustment Act, approved May 12, 1933, as amended (hereinafter called the act), as follows:

(1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

and

*Whereas*, the Secretary of Agriculture, having reason to believe that the issuance of an order would tend to establish and maintain such marketing conditions for fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, Custer and Eagle in the State of Colorado, as would reestablish prices to growers at a level that will give such commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodities in the base period, did, pursuant to the provisions of the act and the regulations thereunder, on the 27th day of November, 1935, give notice of a hearing to be held on the 12th day of December, 1935, at Alamosa, Colorado, on a proposed order regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer and Eagle, in the State of Colorado, and did, upon said date and at said place, cause a public hearing to be held thereon, and did give due opportunity to all interested parties to be heard concerning such proposed hearings; and

*Whereas*, the Secretary of Agriculture has found and proclaimed that the purchasing power of such peas and cauliflower during the base period August 1909–July 1914 can not be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power for such peas can be satisfactorily determined from available statistics of the Department of Agriculture for the period 1922–1928, and the purchasing power for such



cauliflower can be satisfactorily determined from available statistics of the Department of Agriculture for the period 1923-1928; and

*Whereas*, the Secretary has declared and proclaimed the period 1922-1928 to be the base period with respect to such peas, and the period 1923-1928 to be the base period with respect to such cauliflower, and

*Whereas*, the Secretary of Agriculture finds upon evidence introduced at the said hearing and the record thereof:

(1) That a large part of the annual shipments of peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer and Eagle, in the State of Colorado, enter into the current of interstate commerce;

(2) That prices received by growers in 1933, 1934 and 1935 were substantially below the level necessary to give such peas and cauliflower a purchasing power with respect to articles that farmers buy equivalent to the average purchasing power of such peas and cauliflower during their respective base periods;

(3) That the regulation of shipments of peas and cauliflower by grades and by sizes, and by other means prescribed by this order, will tend to prevent market fluctuations in prices of peas and cauliflower, particularly those fluctuations which result in prices so low as to represent losses to growers, and will therefore establish and maintain a more stable market for such commodities, and tend to restore prices to growers of peas and cauliflower to a level that will have a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of peas and cauliflower in the base period;

(4) That the methods provided for the regulation of shipments are fair and equitable;

(5) That this order is limited in its application to the smallest regional production area that is practicable, and that the issuance of several orders applicable to any subdivision of the regional area covered by this order would not effectively carry out the declared policy of title I of the act with respect to establishing and maintaining such marketing conditions for peas and cauliflower as will reestablish prices to growers that will give such commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodities in their respective base periods;

(6) That the expenses which will necessarily be incurred by the Control Committee during the season of 1936, for the maintenance and functioning of said Committee will be approximately Four Thousand Dollars (\$4000); that such expenses are fair and reasonable; and that the pro rata share thereof of each handler in the amount of (a) one-half cent per bushel hamper, or its equivalent for peas, and (b) one-half cent per crate (8½ inches by 18 inches by 23¼ inches), or its equivalent for cauliflower, shipped by each handler in interstate or foreign commerce, is fair and reasonable, and is approved;

(7) That the interest of the consumer is protected by reason of the fact that the order is designed to operate so as to approach the level of prices which it is declared to be the policy of Congress to establish, by securing a gradual correction of the current level of prices at as rapid a rate as the Secretary of Agriculture deems to be in the public



interest and feasible in view of the current consumptive demand in the domestic and foreign markets, and by reason of the fact that the order authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish, in subsection (1) of section 2 of said title I;

(8) That the issuance of this order and all of the terms and conditions thereof will tend to establish and maintain such marketing conditions for peas and cauliflower as will reestablish prices to growers at a level that will give such commodities a purchasing power with respect to articles that the farmers buy equivalent to the purchasing power of such commodities in their respective base periods; and

(9) That there are no differences in the production and marketing of said commodities in the production area included under this order that make necessary different terms applicable to different parts of such area; and

*Whereas*, the Secretary of Agriculture finds:

(1) The marketing agreement regulating the handling of peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer and Eagle, in the State of Colorado, executed by him on the 4th day of August 1936, and upon which a public hearing was held on December 12 and 13, 1935, was signed by handlers who handled more than 50 percent of the volume of such commodities produced annually; and

(2) That this order regulates the handling of peas and cauliflower in the same manner as does the said marketing agreement, and is made applicable only to persons in the respective classes of industrial and commercial activities specified in the aforesaid marketing agreement; and

*Whereas*, the Secretary of Agriculture finds and determines that the issuance of this order is favored by producers who, during the marketing season of 1935, which the Secretary determines to be a representative period, produced for market at least two-thirds ( $\frac{2}{3}$ ) of the volume of such commodities produced for market within the production area specified in such orders;

Now, THEREFORE, it is ordered by the Secretary of Agriculture, acting under the authority vested in him as aforesaid, that the handling of said peas and cauliflower in the current of interstate or foreign commerce, or so as directly to burden, obstruct or affect interstate or foreign commerce in such commodities, from and after the date herein specified, shall be in conformity to and in compliance with the terms and conditions of this order.

#### ARTICLE I—DEFINITIONS

SECTION 1.—*Definitions*.—As used in this order:

1. "Secretary" means the Secretary of Agriculture of the United States.

2. "Act" means the Agricultural Adjustment Act, approved May 12, 1933, as amended.

3. "Person" means individual, partnership, corporation, association, or any other business unit.



4. "Peas" means all varieties of peas grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer, and Eagle in the State of Colorado, for sale for consumption in fresh form.

5. "Cauliflower" means all varieties of cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Custer and Eagle in the State of Colorado, for sale for consumption in fresh form.

6. "To ship" means to convey or cause to be conveyed, by any means whatsoever, except as a common carrier for another person, in the current of interstate or foreign commerce, or so as to directly burden, obstruct or affect such commerce.

7. "To handle" means to ship, or in any way deal in peas or cauliflower, whether as owner, agent, or otherwise, in the current of interstate or foreign commerce, or so as to directly burden, obstruct, or affect such commerce.

8. "Handler" means and includes any person, whether or not such person is also a grower, engaged wholly or in part in the business of handling peas or cauliflower.

9. "Grower" means any person who grows peas or cauliflower for shipment in fresh form.

10. "Control Committee" means the Control Committee established pursuant to article II hereof.

11. "District" means a subdivision of the area covered by this order. The particular districts are delimited as follows:

(a) The San Luis Valley District—consisting of the Counties of Alamosa, Rio Grande, Conejos, and Costilla;

(b) Wet Mountain Valley District—consisting of the County of Custer; and

(c) Eagle Valley District—consisting of the County of Eagle.

## ARTICLE II—CONTROL COMMITTEE

SECTION 1. *Membership*.—A Control Committee is hereby established consisting of ten (10) members. The initial members and their respective alternates shall be as follows:

To represent handlers:

(a) Elmer Hartner, Denver, as member; Donald Shumate, Fort Garland, as alternate;

(b) Wm. L. Thompson, Fort Garland, as member; W. G. Erichson, Monte Vista, as alternate; and

(c) C. E. Gylling, Alamosa, as member; C. S. Birkins, Romeo, as alternate.

To represent pea growers:

(a) G. C. Morris, La Jara, as member; John Gredig, Del Norte, as alternate, to represent the San Luis Valley District;

(b) John W. Shawcroft, La Jara, as member; M. Shronahima, Jaroso, as alternate, to represent the San Luis Valley District;

(c) C. A. Kelso, Howard, as member; Wm. Hoge, Hillside, as alternate, to represent the Wet Mountain Valley District; and

(d) G. A. Smith, Avon, as member; W. A. Cole, Avon, as alternate, to represent the Eagle Valley District.

To represent cauliflower growers:

(a) J. J. Shecter, Alamosa, as member; John Bolm, Blanca, as alternate;



(b) Frank Peterson, San Acacio, as member; G. Oringdulph, Mesita, as alternate; and

(c) Frank E. Yoshida, La Jara, as member; Y. Uyeda, San Acacio, as alternate.

The members and alternates named in this paragraph shall hold office for a term ending April 30, 1936, and until their successors are selected and shall qualify.

2. The successors to the above-named members of the Control Committee and their respective alternates shall be selected by the Secretary from nominations made by handlers and from nominations made by growers as hereinafter provided. Two (2) persons shall be nominated for each member and two (2) persons shall be nominated for the alternate of each such member. From nominations made for each member and for each alternate, the Secretary shall select a member and his alternate, respectively.

3. Nominations for successors to the three (3) members and three (3) alternates to represent handlers shall be by an election in which each handler shall be entitled to participate and cast but one vote on behalf of himself, agents, partners, affiliates, subsidiaries and representatives, for each nominee to be selected. Nominations for successors to the seven (7) members and the seven (7) alternates to represent growers shall be made as follows: (a) for two (2) members and their respective alternates, by the growers of peas in the San Luis Valley District; (b) for one (1) member and his alternate, by the growers of peas in the Wet Mountain Valley District; (c) for one (1) member and his alternate, by the growers of peas in the Eagle Valley District; and (d) for three (3) members and their respective alternates, by the growers of cauliflower in the San Luis Valley District. All such nominations for grower members and their respective alternates shall be by a general election in each of the districts, in which each grower entitled to participate may cast but one vote on behalf of himself, agents, partners, affiliates, subsidiaries and representatives for each nominee to be selected.

SEC. 2.—*Failure to Select Nominees.*—In the event nominations are not made pursuant to section 1 of this article by April 30 of any year, the Secretary may select such member or alternate without regard to nominations.

SEC. 3. *Term of Office.*—Members of the Control Committee and their respective alternates, subsequent to the members and alternates named in section 1, shall be selected annually for a term of one year, beginning the first day of May, and shall serve until their respective successors shall be selected and shall qualify. Any person selected as a member or alternate of the Control Committee shall qualify by filing a written acceptance of his appointment with the Secretary or with his designated representative.

SEC. 4. *Vacancies.*—To fill any vacancy occasioned by the death, removal, resignation or disqualification of any member of the Control Committee or any alternate, a successor for his unexpired term shall be selected in the manner indicated in section 1 of this article, within twenty (20) days after such vacancy occurs. If a nomination to fill such vacancy is not made within twenty (20) days, the Secretary may select a member to fill such vacancy without regard to nominations.



SEC. 5. *Organization.*—The Control Committee shall select such officers and adopt such rules for the conduct of its business as it may deem advisable. The Control Committee shall give the Secretary or his designated agent and representatives the same notice of meetings of the Committee as is given to members thereof.

SEC. 6. *Inability of Members to Serve.*—An alternate for a member of the Control Committee shall act in the place and stead of such member (a) in his absence, or (b) in the event of his removal, resignation, disqualification, or death until a successor for his unexpired term has been selected.

SEC. 7. *Powers of Control Committee.*—The Control Committee shall have the following powers:

1. To administer, as hereinafter specifically provided, the terms and provisions of this order;
2. To make, in accordance with the provisions hereinafter contained, administrative rules and regulations;
3. To receive, investigate, and report to the Secretary of Agriculture complaints of violations of this order; and
4. To recommend to the Secretary of Agriculture amendments to this order.

SEC. 8. *Duties of Control Committee.*—The Control Committee shall have the following duties:

1. To act as intermediary between the Secretary and any grower or handler;
2. To keep minute books and records which will clearly reflect all of its acts and transactions, which minute books and records shall at any time be subject to the examination of the Secretary;
3. To furnish to the Secretary such available information as he may request;
4. To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of any such employees;
5. To perform such duties in connection with the administration of section 32 of the Act to amend the Agricultural Adjustment Act, and for other purposes, Public No. 320, approved by the President August 24, 1935, as amended, as may from time to time be assigned to it by the Secretary; and
6. To confer with representatives of handlers or growers of peas or cauliflower grown in other areas with respect to the formulation or operation of marketing agreements providing for the regulation of shipments among the several areas where peas or cauliflower are grown.

SEC. 9. *Procedure.*—1. Any decision of the Control Committee, with respect to peas, shall be by a majority vote of the members representing handlers and members representing pea growers, and with respect to cauliflower, by a majority vote of the members representing handlers and members representing cauliflower growers. Any decision with respect to both peas and cauliflower shall be by a majority vote of its entire membership.

2. The provisions of this section shall not affect or supersede any other provision of this order requiring a minimum vote with respect to specified action to be taken by the Control Committee.



3. The Control Committee may provide for voting by mail or telegraph, or by telephone, if such vote by telephone is immediately confirmed by a telegram or in writing.

4. The members of the Control Committee and any agent or employee appointed or employed by such committee shall be subject to removal or suspension by the Secretary at any time. Each action of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time and upon such disapproval shall be null and void except as to acts done in reliance thereon or in compliance therewith.

SEC. 10. *Funds*.—All funds received by the Control Committee pursuant to any provision of this order shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

1. The Secretary may require the Control Committee and its members to account for all receipts and disbursements; and

2. Upon the death, resignation, removal or expiration of the term of office of any member of the Control Committee, all books, records, funds and other property in his possession shall be delivered to the Control Committee or to his successor in office, and such assignments and other instruments shall be executed as may be necessary to vest in the Control Committee or his successor full title to all the books, records, funds and other property in his possession or under his control.

SEC. 11. *Expenses of Control Committee Members*.—Members of the Control Committee shall serve without compensation but shall be entitled to expenses necessarily incurred in the performance of their duties hereunder.

### ARTICLE III—REGULATION OF RAILROAD SHIPMENTS

SECTION 1. *Recommendation of the Control Committee*.—When the Control Committee deems it advisable that daily railroad shipments of peas or cauliflower be regulated during any specified period, it may recommend to the Secretary the establishment of such a regulation. In making such recommendation, it shall give consideration to the supply of and demand for peas or cauliflower to be regulated. With its recommendation, the Control Committee shall forward (a) an estimate of the daily shipments during the contemplated regulation period, if no regulation were in effect, (b) the quantity deemed advisable to be shipped daily, and (c) other information which it considered in making such recommendation.

The Control Committee shall, immediately following such recommendation, advise all handlers of the recommended regulation period and the contemplated commencement thereof, and shall instruct them to make reports as required pursuant to section 3 of this article.

SEC. 2. *Establishment of Regulation Periods*.—Based upon the recommendation of the Control Committee, and information furnished by it, or upon any other information, the Secretary may regulate the daily railroad shipments of peas or cauliflower for a specified period in the manner hereinafter prescribed.



Notice of the establishment of such a regulation period, the dates of the commencement and termination thereof, and the daily advisable shipments determined pursuant to section 6 hereof, shall be given by the Secretary to the Control Committee by telegraph or in any other manner which he deems sufficient.

SEC. 3. *Reports from Handlers.*—Each handler desiring to ship peas or cauliflower on any day during the regulation period, shall report to the Control Committee on the day prior to any such day (1) the quantity of peas or cauliflower loaded in cars that day, and (2) the quantity of peas or cauliflower loaded in cars which remained unshipped the previous day.

SEC. 4. *Revision of Reports.*—The Control Committee may check the accuracy of any report filed pursuant to this article and verify the same in such manner as it may determine and on the basis of its findings may revise any such report.

SEC. 5. *Available for Shipment.*—After such reports have been verified or revised the Control Committee shall determine for each and all handlers the quantity of peas or cauliflower available for shipment on the day prior to each day for which shipments are to be regulated. The quantity of peas or cauliflower “available for shipment” for a particular day shall equal the verified or corrected quantity loaded in cars that day, plus the verified or corrected quantity loaded in cars which remained unshipped the previous day, plus any overshipments (not considered a violation of this order) and less any undershipments relative to the allotment for such previous day.

SEC. 6. *Advisable for Shipment.*—From information furnished by the Control Committee or from other information, the Secretary shall determine the quantity of peas or cauliflower which is deemed advisable to be shipped daily during such regulation period.

SEC. 7. *Allotment Percentage.*—The allotment percentage for any day during such regulation period shall be the result obtained by dividing the quantity which is deemed advisable to be shipped on that day by the total quantity available for shipment by all handlers the day prior thereto: *Provided, however,* That the allotment percentage for any Monday shall be the result obtained by dividing the quantity which is deemed advisable to be shipped that day by the total quantity which was available for shipment by all handlers the previous Saturday.

SEC. 8. *Allotments.*—The allotment for each handler on any day shall be the product of the quantity he had available for shipment on the day prior thereto, and the allotment percentage for that day, determined pursuant to section 7 hereof: *Provided, however,* That the quantity such handler had available for shipment on the previous Saturday shall be used in determining his allotment for any Monday. No handler shall ship in excess of his allotment, except as otherwise provided herein. Shipment of less than one car over his allotment by any handler shall not be a violation of this order, if such handler advises the Control Committee of such overshipment within twenty-four (24) hours. Such handler’s allotment for the next day shall be reduced by the amount of such overshipment. If any handler ships less than his allotment for any day, his allotment for the



day next succeeding his report of the same to the Control Committee shall be increased by the amount of such undershipment.

SEC. 9. *Control Committee's Report to Handlers.*—The Control Committee using the formula herein set forth, shall calculate, by noon of each day during a regulation period, the amount of each handler's daily allotment and advise him thereof, together with the total quantity available for shipment by all handlers the day prior thereto.

SEC. 10. *Transfer of Allotments.*—Any handler may transfer his allotment in whole or in part, provided that such transfer is immediately reported to the Control Committee. The amount of such transfer shall be deducted from the allotment of the transferor and added to the allotment of the transferee.

SEC. 11. *Modification of Daily Shipments.*—If the Control Committee determines that the quantity which is deemed advisable for shipment daily during any regulation period, determined pursuant to section 6 hereof, be changed by reason of changes in supply and demand conditions, it shall so recommend to the Secretary. Based upon such recommendation or other information, the Secretary may modify his prior determination of the quantity which is deemed advisable for shipment daily. The Secretary shall notify the Control Committee of such change. Based upon the recommendation of the Control Committee or other information, the Secretary may terminate any regulation period by giving twelve hours' notice thereof to the Control Committee.

SEC. 12. *Equitable Shipments.*—During any regulation period established pursuant to this article, each handler shall ship peas or cauliflower for growers in an equitable manner so as to assure each grower equal opportunity to have his peas or cauliflower marketed.

SEC. 13. *Prohibition of Loading.*—When the Control Committee finds that the total quantity which will be available for shipment the following day will exceed three (3) times the quantity advisable for shipment such following day, it may recommend to the Secretary that handlers be prohibited from loading peas or cauliflower for shipment in interstate or foreign commerce, or so as to directly burden, obstruct, or affect such commerce, during a period not to exceed forty-eight (48) hours. Any such recommendation with respect to peas shall be by the affirmative vote of at least five (5) of the handler members and members representing growers of peas. The Control Committee shall immediately give notice to the handlers of such recommendation and of the contemplated commencement of such period. Based upon such recommendation or upon any other information, the Secretary may prohibit the loading of peas or cauliflower for shipment in interstate or foreign commerce, or so as to directly burden, obstruct, or affect such commerce, for a period not to exceed forty-eight (48) hours: *Provided, however,* That there shall elapse not less than three (3) days between the last day of one period and the first day of the next succeeding period.

#### ARTICLE IV—REGULATION BY GRADES AND SIZES

SECTION 1. *Recommendation of the Control Committee.*—Whenever the Control Committee deems it advisable to regulate the ship-



ment of any grade or size of peas or cauliflower produced in a specified period, it may so recommend to the Secretary. The Control Committee shall furnish the Secretary all pertinent data and information upon which it acted in making such recommendations, which shall include factors affecting the supply of and demand for peas or cauliflower by grades or sizes thereof.

SEC. 2. *Regulation of Shipments.*—1. Based upon such recommendation and information furnished by the Control Committee, or upon other information, the Secretary may regulate the quantity of any grade or size of peas or cauliflower produced in a specified period, which may be shipped during any period. Such regulation of shipments may be accomplished by (a) prohibiting the shipment of certain grades or sizes of peas or cauliflower during such period, or (b) by prohibiting the shipment of a part of any grade or size of peas or cauliflower.

2. When the Secretary determines to regulate shipments as provided herein, he shall immediately notify the Control Committee of such determination and the date of the commencement of such regulation period by telegraph or by any other means which he deems advisable. The Control Committee shall immediately give notice to handlers of (a) the institution of such regulation period, and (b) the grades or sizes, or the portions thereof, which are prohibited from shipment.

SEC. 3. *Exemptions.*—1. In the event a regulation period is established on peas or cauliflower pursuant to this article, the Control Committee shall determine the percentage which the grades and sizes of the crop permitted to be shipped is of the total crop which could be shipped in the absence of regulation under this article. The Control Committee shall forthwith announce this percentage and the procedure by which exemption certificates will be issued to growers pursuant to this section.

2. If any grower of peas or cauliflower shall show to the Control Committee that the regulation of shipments will allow him to ship during the period a percentage of his crop less than the percentage found in accordance with paragraph 1 of this section, the Control Committee shall issue to him an exemption certificate allowing the shipment of such a quantity of the limited grade or size as will make the percentage of his crop that may be shipped equal to the percentage found in accordance with paragraph 1 of this section.

3. If any grower is dissatisfied with the determination by the Control Committee with respect to such exemption certificate, he may appeal to the Secretary.

SEC. 4. *Charitable Purposes.*—The provisions of this order with respect to regulation of shipments and to assessments shall not apply to peas or cauliflower shipped for charitable purposes.

## ARTICLE V—GRADING AND INSPECTION

SECTION 1. *Grading and Certification.*—1. All shipments of peas or cauliflower shall be graded and certified on the basis of the grades now promulgated by the United States Department of Agriculture, or as the same may be modified or changed hereafter.



2. Each handler shall utilize the standard Federal-State inspection service and pay the cost of same. Each shipment, in whatever quantity, shall be accompanied by a standard inspection certificate or official memorandum thereof indicating its conformity to the said grades.

## ARTICLE VI—ASSESSMENTS

SECTION 1. *Expenses and Assessments.*—1. The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions under this order. The funds to cover such expenses shall be acquired by the levying of assessments as hereinafter provided.

2. Each handler shall pay to the Control Committee upon demand his pro rata share, as is approved by the Secretary, of the expenses in the amount of four thousand dollars (\$4,000) or expenses in such other amount as the Secretary may later find will necessarily be incurred by said Committee, during the marketing season, May 1, 1936, to April 30, 1937, for the maintenance and functioning of said Committee, during said season, as set forth in this order. Each handler's share of such expenses shall be that proportion thereof which the total quantity of peas or cauliflower shipped by such handler during said season is of the total quantity of peas or cauliflower shipped by all handlers during said season. The initial assessment of each handler shall be (a) one-half cent per bushel hamper, or its equivalent, for peas, and (b) one-half cent per crate (8½ inches by 18 inches by 23¼ inches), or its equivalent, for cauliflower, shipped by such handler, and said assessment shall be adjusted, from time to time, by the Control Committee, with the approval of the Secretary, in order to provide funds sufficient in amount to cover any later finding by the Secretary of estimated expenses or the actual expenses of the Control Committee during said season. The assessments of each handler for any season shall be due at such time and shall be payable in such installments, if any, as the Control Committee shall determine.

3. For seasons subsequent to the season of 1936, each handler shall pay to the Control Committee upon demand such handler's pro rata share, as is approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the Control Committee for the maintenance and functioning of the said Committee as set forth in this order.

4. In order to provide funds to carry out the functions of the said Committee prior to the commencement of shipments in any season, handlers may make advance payments of assessments, which advance payments shall be credited to such handlers, and the assessments of such handlers shall be adjusted so that such assessments are based upon the quantity of peas or cauliflower shipped by such handlers during such season.

5. On or before the end of each calendar year, the Control Committee shall credit each contributing handler with the excess of the amount paid by such handler above his pro rata share of the expenses, or debit such handler with the difference between his pro rata share and the amount paid by such handler. Any such debits shall become due and payable upon the demand of the Control Committee.



6. From funds acquired pursuant to this article the Control Committee shall pay the salaries of the employees of the Control Committee, if any, and the expenses necessarily incurred in the maintenance and functioning of said Committee in the performance of its duties under this order.

#### ARTICLE VII—REPORTS

SECTION 1. *Reports.*—Upon the request of the Control Committee, in accordance with forms of reports approved by the Secretary, each handler shall furnish the Control Committee, in such manner and at such times as it prescribes, such information as will enable it to perform its duties under this order.

#### ARTICLE VIII—LIABILITY OF CONTROL COMMITTEE MEMBERS

SECTION 1. *Liability.*—No member of the Control Committee nor any employee thereof shall be held responsible individually in any way whatsoever to any handler or any other persons for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty.

#### ARTICLE IX—SEPARABILITY

SECTION 1. *Separability.*—If any provision of this order is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this order or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

#### ARTICLE X—DEROGATION

SECTION 1. *Derogation.*—Nothing contained in this order is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (1) to exercise any powers granted by the act or otherwise, or (2) in accordance with such powers to act in the premises whenever such action is deemed advisable.

#### ARTICLE XI—AMENDMENTS

SECTION 1. *Proposals.*—Amendments to this order may from time to time be proposed by the Control Committee.

#### ARTICLE XII—DURATION OF IMMUNITIES

SECTION 1. *Duration of Immunities.*—The benefits, privileges, and immunities conferred by virtue of this order shall cease upon its termination except with respect to acts done under and during the existence of this order, and benefits, privileges, and immunities conferred by this order upon any person shall cease upon its termination as to such person except with respect to acts done under and during the existence of this order.



## ARTICLE XIII—AGENTS

SECTION 1. *Agents*.—The Secretary may by a designation in writing name any person, including any officer or employee of the Government, or any bureau or division in the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this order.

## ARTICLE XIV—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective Time*.—1. This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

SEC. 2. *Termination*.—1. The Secretary may at any time terminate this order by giving at least one (1) day's notice by means of a press release, or in any other manner which the Secretary may determine.

2. The Secretary shall terminate or suspend the operation of this order, or of any provision thereof, whenever he finds that said order, or such provision thereof, obstructs or does not tend to effectuate the declared policy of the act.

3. The Secretary shall terminate this order with respect to peas or cauliflower, at the end of any marketing season whenever he finds that such termination is favored by a majority of the growers of peas or cauliflower respectively, who during such marketing season, have been engaged in the production for market of peas or cauliflower in the area covered by this order: *Provided*, That such majority have during such season produced more than fifty (50) percent of the volume of such peas or cauliflower produced within the area, but such termination shall be effective only if notice thereof is given on or before April 30 of such marketing season. As used in this article, "marketing season" means the twelve (12) month's period between May 1 of any year and April 30 of the next succeeding year.

4. This order shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. *Proceedings after termination*.—1. Upon the termination of this order, the members of the Control Committee then functioning shall continue as joint trustees of all funds and property then in the possession or under the control of the Control Committee, including claims for any funds unpaid or property not delivered at the time of such termination, for the purpose of liquidating all matters with respect to this order. Said trustees (a) shall continue in such capacity until discharged by the Secretary; (b) shall from time to time account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Control Committee and the joint trustees, to such person as the Secretary shall direct; (c) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds and claims vested in the Control Committee or the joint trustees pursuant to this order; and (d) shall refund to each contributing handler the



excess of the amount paid by such handler above his pro rata share of expenses, or debit each handler with the difference between his pro rata share and the amount paid by any such handler, if such amount is less than his pro rata share. Any such debit shall become due and payable upon the demand of the said trustees. Nothing stated herein shall be deemed to preclude the bringing of a suit for assessments levied by the Control Committee at any time prior to the termination of this order.

2. Any person to whom funds, property, or claims have been delivered by the Control Committee or its members upon direction of the Secretary, as herein provided, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are hereinabove imposed upon the members of said committee or upon said joint trustees.

IN WITNESS WHEREOF, The Secretary of Agriculture does hereby execute in duplicate, and issue this order and cause the official seal of the Department of Agriculture to be affixed hereto, in the city of Washington, District of Columbia, on this 4th day of August, 1936, and pursuant to the provisions hereof, declares this order to be effective on and after 12:01 a. m. Eastern Standard Time, August 9, 1936.



*H. Wallace*

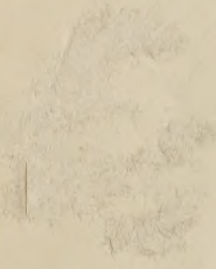
*Secretary of Agriculture.*







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